

**MIONTUAIRISCÍ CRUINNIÚ SPEISIALTA CHOMHAIRLE CHONTAE
CHILL CHAINNIGH A THUGTAR DÉ LUAIN, 6Ú NOLLAIG, 2021
AG 3.00 P.M. VIA MS TEAMS**



**MINUTES OF SPECIAL MEETING OF KILKENNY COUNTY COUNCIL
HELD ON MONDAY, 6TH DECEMBER, 2021 AT 3.00 P.M. VIA MS TEAMS**

Chair: Cllr. Fidelis Doherty

Cllrs: Eamon Aylward, Tomás Breathnach, John Brennan, Mary Hilda Cavanagh, Martin Brett, Peter Cleere, Deirdre Cullen, Michael Delaney, Maria Dollard, Matt Doran, Michael Doyle, Pat Dunphy, David Fitzgerald, Pat Fitzpatrick, Ger Frisby, Denis Hynes, Joe Lyons, Joe Malone, Michael McCarthy, Eugene McGuinness & Patrick O'Neill.

Officials: Colette Byrne, Sean McKeown, Tim Butler, Martin Prendiville, Mary Mulholland, Anne Maria Walsh, Kevin Hanley, Denis Malone, Nicolaas Louw, Caitriona O'Sullivan & Naomi Scully.

Apologies: Cllrs. John Coonan & Andrew McGuinness.

Cathaoirleach Cllr. Fidelis Doherty opened the Special Meeting to consider the Chief Executive's Draft Report on the Draft Ministerial Direction and submissions received from the public during the public consultation period. She advised that the Special Meeting is an opportunity for the Members to present their views on the Draft Ministerial Direction for inclusion in the Chief Executive Report. She asked the Members to adhere to Standing Orders to ensure all get an opportunity to speak.

Cllr. Fidelis Doherty invited the Chief Executive to present her Draft Report.

Ms. Colette Byrne presented her Draft Report. She advised Members that:

- The Office of the Planning Regulator (OPR) was established in April 2019 under Section 31 of the Planning and Development Act 2000 as amended;
- The OPR was established on foot of a recommendations made by the Tribunal of Inquiry into Certain Planning Matters and Payments, better known as the Mahon Tribunal.
- Niall Cussen is the first OPR appointed and took up the role in 2019.
- The OPR has statutory responsibility under Sections 31AM and 31AO of the Act to assess all Local Authorities' Development Plans and Regional Assembly Strategies to ensure they comply with:
 - (i) Proper planning and sustainable development, and
 - (ii) National Policy.
- Where the Regulator considers that a Local Authority is in breach of (i) and/or (ii) above the Regulator may recommend that the Minister issue a Direction to the Local Authority to amend their Plans accordingly.
- Under Section 31 of the Act, the Minister may give Directions to Local Authorities on their Development Plans.

The Office of the Planning Regulator is new and this Development Plan is Kilkenny's first where the Regulator has a role.

The purpose of today's meeting is for you the Elected Members to express your views on the Draft Ministerial Direction which will be summarised and included in my report to the OPR and Minister.

Ms. Byrne advised that Mr. Denis Malone, Senior Planner will give a short presentation.

Mr. Denis Malone gave a PowerPoint Presentation on the process that has led to this Special Meeting. In his Presentation he gave an overview on the following:

- Purpose of Special Meeting.
- Development Plan Milestones and receipt of Draft Ministerial Direction – recap on process.
- Requirement of Chief Executive to respond to the Draft Ministerial Direction.
- 723 Submissions received.
- Summary of issues raised – Renewable Energy Targets.
- Summary of Issues raised – Templeorum/Mullinbeg/Tullahought.
- Summary of issues raised – Castlebanny.
- Summary of issues raised – Designation of three similar areas and other issues.
- Summary of Issues raised – Legal issues – Renewable Energy Targets
- Recommendation of the Chief Executive included in Report on Draft Ministerial Direction and relevant maps [*Figure 11.4 and Figure 11 from Direction*].
- Summary of views expressed to-date by the Elected Members with Planning Staff and at a recent Workshop.

He advised that the Chief Executive Report must be sent to the Minister by Friday, 10th December, 2021.

Cathaoirleach thanked the Chief Executive and the Senior Planner for their contribution. She asked the Members to adhere to three minutes and to only request to speak once at the meeting to allow all to participate. She then invited the Members to give their views on the Draft Ministerial Direction.

Cllr Patrick O'Neill:

- Neither the Elected Members, Executive or the public wanted to get to this point - a Ministerial Direction on this issue.
- A significant amount of time and effort was invested by everyone in preparing the City & County Development Plan - our Plan for our people.
- What was adopted in the Development Plan in relation to wind energy is sensible and achievable - there is plenty of scope for wind development.
- Not anti-wind energy but the 100% renewable energy target is too ambitious, being asked to over achieve in the short term.
- National policy is still only in draft format and needs to be updated - understands this is at least 2 years away, no legislation in place for off shore. In the meantime, local division is being created, local landscapes need to be protected and local communities are being damaged while national politicians get their act together.
- Off-shore wind is more productive and should be the focus of National Policy.

Cllr Joe Lyons:

- We all agree that renewable energy is needed to reduce our carbon footprint.
- However, the scale of wind turbines proposed at Castlebanny would be a blight on the landscape, heritage and tourist value of the area, adversely impact on wildlife and equine businesses and devalue land/house properties.
- It is not clear what impact such wind farm developments have on water supply and water quality. The River Arrigle runs through Castlebanny and wind turbine development will impact on it.
- The proposed height of wind turbines is a huge issue for local people; the proposed distance from their homes and the number of turbines permissible in an area – these are issues for communities.
- Wind velocity in Ireland has reduced in recent years, island nation should have a whole process around off shore, no legislation in place for off shore.
- Ireland has highest concentration of on-shore wind farm developments in the world - Government needs to look more at off-shore wind that are 10 km from the coast as opposed to just 500m from a home.
- Turbines – can they be recycled when no longer required, what will happen with unused turbines in years to come.
- There are 723 submissions received on the draft Direction and these people must be listened to.
- We have to stand up for local communities.

Cllr Michael Doyle:

- One of the main functions of the Council is to adopt a Development Plan that represents the views of the people, Councillors represent the people.
- Has a huge concern about the way the OPR is getting involved and what is being proposed, wishes/concerns of people in the areas must be respected.
- The wind strategy as adopted in the Development Plan needs to remain in place as it reflects the views of the people and it provides plenty of scope for wind farm developments, decision of Elected members on Development Plan should stand.
- There are no proper guidelines or policy in place for wind energy and it is not right that local authorities and An Bord Pleanála are being asked to make decisions without policy/legislation in place in this regard.
- Is personally in favour of wind energy developments but they need to be smaller in size and scale.
- Small existing turbines – are they obsolete.

Cllr Pat Dunphy:

- Agrees with previous speakers.
- Local democracy cannot be ignored or undermined by the OPR, high number of submissions received.
- There are too many local people opposed to wind farm developments in their area, so such developments need to be diverted to areas where they are acceptable and more suitable.
- Disappointed on decision from OPR and direction from Minister, bad day for democracy.
- Covid impacted people's ability to engage in the public consultation process for the Development Plan. They were unable to attend face-to-face meetings where they could get across their frustration at wind farm developments.
- 21 Turbines of 185m in height and only 500m from people's homes is unacceptable.
- The Government expect that twice as much energy will be generated by off-shore wind developments than on-shore yet there are very little off-shore developments in progress.
- Some other counties don't appear to have made much provision for wind energy in their Development plans so why is Kilkenny being targeted? Divide targets among all counties.
- How can we be expected to make decisions without definitive policy on wind energy?
- A huge area of the County is designated as 'Open for Consideration'.

- The unique heritage and tourism value of Knockroe Passage Tomb/Tullahought will be adversely impacted if wind turbines are allowed in areas such as Owing Hill and Mullinbeg.
- Totally supportive of what was adopted in the Development Plan and hopes Minister will listen to local democracy.
- Whole country needs renewable energy not only some areas.

Cllr Eamon Aylward:

- Agrees with previous speakers.
- Public have been involved in an extensive consultation process and they have made their submissions, made their views known.
- We are democratically Elected by the people, we represent them and we need to listen to them.
- OPR stepping beyond his role- where is democracy?
- 100% agree with the adopted Development Plan and not for changing.
- Good Development Plan – progressive Plan accepted by all.

Cllr Maria Dollard:

- Supports the development of wind energy - wind is our new oil. The world is changing and our energy sources need to change as well.
- The target of 100% of our electricity needs to be met from renewable energy is over ambitious. Target of 80% set by Government is challenging enough.
- We have failed to bring the people with us on renewable energy and there is a disproportionate emphasis on wind energy relative to all of the other forms of renewable energy.
- Size and scale - Industrial scale wind farm developments only create fear, concern and anger among local communities.
- Deeply concerned that the local objection to industrial scale wind energy developments will become objection to all forms of renewable energy, perception among the public that windfarms are the only source.
- We need a renewable energy strategy that works for everyone, that brings the people with us and that everyone can benefit from.
- Other renewable energy strategy must have combination of different renewable energy sources.

Cllr Eugene McGuinness:

- Annoyed that it has come to this.
- Kilkenny County Council have been handed a poisoned chalice. Oireachtas Members have failed to do their job and we should hand the chalice back to them. OPR should be interested in implementing Government Policy. Oireachtas not making Guidelines.
- Windfarm Companies offering inducements to solve green energy requirements.
- Large wind turbines 185 metres are a complete and utter blight on the landscape, impact on communities.
- Turbine syndrome is now leading to legal cases in France and elsewhere in Europe. What will happen if similar legal cases are brought in Kilkenny if these largescale wind developments are allowed go ahead.

Cllr Matt Doran:

- Agrees with previous speakers.
- Wants in particular to express his concern about the Lingaun Valley - one of the most beautiful areas in the County. It needs to be protected.

Cllr. Joe Malone:

- Supports all previous speakers.
- Development Plan is owned by Kilkenny not OPR.
- Have to listen to the people and the communities.

Cllr Deirdre Cullen:

- Supports all previous speakers.
- We are not doing our job as Elected Members if we do not listen to those people directly impacted by wind energy developments. They have real concerns.
- The renewable energy targets of 80% should be achieved by other renewable energy sources rather than being front-loaded by wind energy.
- There should not be any wind turbines allowed near Knockroe Passage Tomb. Negative impact on this scenic area. They wouldn't be allowed near Newgrange.
- OPR must take note of local knowledge.
- Fully supports the adopted Development Plan - not for changing.

Cllr Mary Hilda Cavanagh:

- Wants to fully endorse comments by previous speakers.
- We didn't make decision in adopting the County Development Plan lightly - we consulted widely and we listened to the people and reflected the will of the people.
- It is unfair to local democracy if OPR is allowed to overturn what has been agreed by the Elected Members.
- Need to protect our national beauty.
- Don't want commercial wind turbines on the highest hills in Kilkenny.
- We should co-operate with neighbouring Counties where there are large-scale wind farms visible from County Kilkenny such as in Templetuohy and Lisdowney. These should be considered to contribute to Kilkenny's renewable energy targets of 80%.
- Just because technology is available to build larger turbines doesn't mean that it should be followed. Smaller turbines are less obtrusive and more acceptable to local people. Large turbines should be out at sea.

Cllr Michael Delaney:

- Concurs with colleagues who have spoken.
- Tullaroan is surrounded by wind farm developments.
- We have to go green but we should only consider wind turbines where they are suitable and where there are no issues or concerns. Must not impact on our heritage areas.

Cllr Denis Hynes:

- It is only when you see first-hand a large-scale wind turbine and speak to the people that live near them that you can understand the negative impact they have on wildlife, quality of life and the value of people's homes.
- Concerns from public is reflected in the huge number of submissions.
- Need to consider off shore.
- Not going to cede to pressure from the OPR. Pressure needs to be applied at national level and look at other sources of energy.

Cllr John Brennan:

- Agrees with previous speakers.
- There will have to be alternative sources of energy in future but we have to listen to the people and respect their views.
- Need to preserve/maintain local communities and their scenic areas.
- We need to work with the people in local communities that are concerned about the height of turbines - they are too tall.
- More leadership needs to come at national level on decisions - local Councillors are being left out to dry.

Cllr Pat Fitzpatrick:

- Councillors need to stand together with our local communities on this issue.
- Wind farms cannot be forced on local communities. They have a negative impact on equine businesses. Concerns of communities must be listened to.
- Wind is not a reliable source of energy as wind velocity reduces during the summer months.
- We should talk to other Counties who are more in favour of wind and off set our obligations.
- There is no clear Government policy or guidelines on wind energy. There is also no clarity on off-shore wind.
- Oireachtas Members and Department Officials should be dealing with policies.

Cllr Tomas Breathnach:

- The Development Plan is the vision and roadmap for the Council over the next 6 years. The Council has put a lot of time into the whole process of adopting a Plan for the County.
- It contains the criteria, guidance and rule book by which we will judge the success or otherwise of our activity.
- It involved a lengthy process of engagement of almost 3 years. During that time the national targets on electricity generation from renewable energy appear to have changed from 70% at the start of the Plan to 80% in revised Climate Action Targets announced last September.
- The Council needs to be able to consider this revised target (additional 10%) rather than have it imposed on us.
- 100% is a laudable target, but we need to work over time to achieve this, technology is changing and there are different sources of renewable energy.
- Renewable energy is vital for our County to 2030 and 2050.
- The Ministerial Direction is not of our making. It came to us at the last minute on 15th October and the public consultation process was rushed into a very short period of time - after almost 3 years of drafting the Development Plan. That is a very disappointing outcome.
- Acknowledges everyone that got involved in the process.

Cllr Ger Frisby:

- Wants to thank the public for their time and effort in responding to this issue.
- They are the loudest voices that have spoken and they need to be heard and taken on board by the Elected Members.
- Areas of the County where natural beauty and heritage have been preserved for hundreds and thousands of years cannot now be impacted.
- There are other ways of meeting our renewable energy targets without imposing wind turbine monstrosities on local people.
- Local democracy is being eroded by this Direction.

Cllr Fidelis Doherty:

- Hydropower should be harnessed to help generate renewable energy. We have a lot of rivers throughout the County.
- 100% target should be reduced to 80%.
- Additional 10% from 70% to 80% - members should be given time to consider.
- Need to protect Knockroe, Lingaun Valley and scenic views across Kilkenny and Tipperary.

Mr. Denis Malone responded to the queries raised by Members. He advised that in relation to the height of the turbines that technology has moved on. The power output is determined by the height of the turbines. A bigger diameter will generate more power.

In relation to the 100% target for renewable energy the Council adopted 100% in the Draft Development Plan. The Council were being ambitious in supporting National targets.

He advised that the Development Plan, as adopted, makes provision for all forms of renewable energy – solar, bio-gas, hydro etc.

He further advised that in his opinion it is unlikely that Kilkenny County Council will be found liable for turbine syndrome. The Council will follow due process in dealing with any planning applications.

Ms. Colette Byrne thanked all the Members for their contributions and views. Their contributions will be documented and incorporated into Section 3 of her Report. The Report will be submitted to the Minister and the Regulator by 10th December, 2021. The full Report will then be circulated to all Members.

Cllr. Fidelis Doherty thanked all the Members for their co-operation during the meeting and for all their contributions/views made. She thanked the Chief Executive, Director of Services and all the Planning staff for their work on the Development Plan and for facilitating queries from the Members. She thanked the public for their engagement in the Development Plan and submissions and for attending the meetings.

CATHAOIRLEACH

DATE